

Message Text

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ORIGIN CAB-09

INFO OCT-01 NEA-10 ISO-00 CIAE-00 COME-00 DODE-00 EB-11

INR-10 NSAE-00 RSC-01 FAA-00 SCA-01 DOTE-00 L-03 /046 R

DRAFTED BY CAB:PWHITE/EB/AN:PJGLASOE:DAP

APPROVED BY EB/OA:JSMEADOWS

EB/AN - MHSTYLES

NEA/IRN - MAMICHAUD

CAB - FMURPHY

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R 281411Z FEB 74

FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN

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E.O. 11652: N/A

TAGS: ETRN, IR

SUBJECT: CHARTER FLIGHTS

REF: TEHRAN 820

1. IRAN AIR'S 402 PERMIT APPLICATION IS NOW IN THE FINAL STAGES OF PROCESSING BY THE CIVIL AERONAUTICS BOARD (CAB). THE PRINCIPAL REASON FOR DELAY AT THIS POINT IS UNCERTAINTY AS TO GOI'S POLICY CONCERNING U.S. CARRIER CHARTER FLIGHTS TO AND FROM IRAN.

2. A 402 PERMIT ISSUED BY THE CAB TO A FOREIGN AIR CARRIER FOR SCHEDULED SERVICES NORMALLY ALSO INCLUDES AUTHORITY TO PERFORM BOTH ON-ROUTE AND OFF-ROUTE CHARTERS, REQUIRING AT THE MAXIMUM ONLY PRIOR CAB APPROVAL FOR ANY CHARTER FLIGHT. AS EMBASSY AWARE, THE CAB HAS MAINTAINED A RECORD OF LIBERAL TREATMENT FOR SUCH CHARTERS, HAS NEVER REQUIRED THE PAYMENT OF A "NO-OBJECTION FEE" OR SIMILAR INDUCEMENT, AND HAS ALWAYS OPPOSED SUCH FEES NOT RELATED TO SERVICES ACTUALLY RENDERED.

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3. ARBABI'S RECENT STATEMENTS CONCERNING RELAXATION AND

REVIEW OF THE "NO-OBJECTION" FEE ISSUE WERE HELPFUL. NONETHELESS, THERE REMAINS REAL CONCERN ABOUT THIS MATTER, FUELED BY COMPLAINTS OF U.S. CARRIERS. THERE IS, IN BRIEF, BOTH A PUBLIC RELATIONS AS WELL AS A MORE BASIC POLICY PROBLEM INVOLVED (THE QUESTION OF RECIPROCITY) AS LONG AS

POSSIBILITY EXISTS THAT U.S. CARRIERS WILL CONTINUE TO BE APPROACHED BY IRAN AIR. COMPLETION OF THE PROCESSING OF IRAN AIR'S PERMIT HAS BEEN COMPLICATED BY THIS ISSUE, AND WE HOPE THAT A DEFINITIVE STATEMENT ABOUT THE ELIMINATION OF THE FEES CAN BE EXTRACTED FROM THE GOI BY THE EMBASSY. SUCH A STATEMENT WOULD MAKE IT MUCH EASIER FOR THE CAB TO PROCEED EXPEDITIOUSLY WITH THE FINAL PROCESSING OF THE PERMIT. IN ADDITION, IT OBVIOUSLY WILL BE MUCH EASIER FOR CAB TO TREAT ANY IRAN AIR APPLICATIONS FOR INDIVIDUAL CHARTER APPROVAL UNDER THE PERMIT IN POSITIVE MANNER IF THE EXISTENCE OF RECIPROCITY IN IRAN FOR U.S. CARRIERS IS SOMEWHAT MORE UNEQUIVOCAL THAN IT NOW IS.

4. FYI: EVEN IF THERE IS NO FURTHER STATEMENT FROM ARBABI OR OTHER APPROPRIATE GOI OFFICIAL CONCERNING THE ELIMINATION OF THE "NO-OBJECTION" FEE, THE PERMIT WILL EVENTUALLY BE ISSUED SINCE THERE OBVIOUSLY IS A BILATERAL COMMITMENT TO DO SO. HOWEVER, EMBASSY SHOULD BE AWARE THAT, EVEN IF "NO-OBJECTION" FEE ISSUE DID NOT EXIST, IT LIKELY THAT IRAN AIR WOULD HAVE TO OBTAIN ADVANCE APPROVAL OF ALL CHARTERS UNTIL IT INITIATES SCHEDULED SERVICE TO THE U.S. (NORMALLY, INDIVIDUAL PRIOR AUTHORIZATION REQUIRED ONLY FOR OFF-ROUTES.) IF SUCH A REQUIREMENT WERE IMPOSED, IT WOULD PROBABLY BE BASED ON POLICY PRECEDENT ESTABLISHED IN 1973 BRITISH CALEDONIAN AIRWAYS CASE IN ORDER TO JUSTIFY CUSTOMARY GRANT OF CHARTER AUTHORITY AS PART OF A SCHEDULED PERMIT WHERE IT WAS KNOWN THAT THE CHARTER AUTHORITY WAS TO BE USED BEFORE SCHEDULED. END FYI. CASEY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SUPPLEMENTAL AIRLINES, AIRPORT FEES, AVIATION REGULATIONS, AIR ROUTE APPLICATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 FEB 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE039987
Document Source: CORE
Document Unique ID: 00
Drafter: PWHITE/EB/AN:PJGLASOE:DAP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974022/aaaaabma.tel
Line Count: 96
Locator: TEXT ON-LINE
Office: ORIGIN CAB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: TEHRAN 820
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 21 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 AUG 2002 by kellew0>; APPROVED <04-Sep-2002 by MorefiRH>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CHARTER FLIGHTS
TAGS: ETRN, IR
To: TEHRAN
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005